

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN LA BELLE,

X

Plaintiff,

:

ORDER

19 Civ. 3800 (JPO) (GWG)

-v.-

BARCLAYS CAPITAL INC.,

:

Defendant.

:

X

GABRIEL W. GORENSTEIN, United States Magistrate Judge

1. The above-referenced action has been referred to the undersigned for general pre-trial purposes. See 28 U.S.C. § 636(b)(1)(A). All pre-trial applications, including those relating to scheduling and discovery, shall be made to the undersigned (except motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification). All applications must comply with this Court's Individual Practices, which are available through the Clerk's Office or at: <https://nysd.uscourts.gov/hon-gabriel-w-gorenstein>

2. The Court has reviewed the applications in Docket # 64 and 65. To the extent they contain requests for extensions, they are granted as stated below. The Court has assumed that no party will take more than 10 depositions as contemplated by Fed. R. Civ. P. 30(a)(2)(A)(i). If the number is in fact greater, there may be a basis for a party to seek an extension of the fact discovery deadline provided below. The parties are directed to confer as soon as practicable—which may require waiting until additional document production is made — to determine what depositions will take place.

3. To the extent there are any existing or future discovery disputes, the Court will not hear any such disputes-- that is, any application pursuant to Rules 26 through 37 or 45 -- unless it receives a letter that complies with ¶ 2.A. of the Court's Individual Practices.

4. The discovery schedule is modified as follows:

(a) All non-expert discovery shall be commenced in time to be completed by May 1, 2020.

(b). Disclosure of expert evidence as required by Rule 26(a)(2)(A), (B) or (C), including the identities and reports of experts, if any, will be made by May 29, 2020.

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(c). Disclosure of expert evidence intended by a party solely to contradict or rebut expert evidence on the same subject matter disclosed by the opposing party shall be made by June 12, 2020.

(d). Depositions of experts shall be completed by June 26, 2020.

(e). Any motion for summary judgment shall be filed by July 10, 2020. Any such motion is returnable before Judge Oetken and shall comply with his Individual Practices.

5. The parties shall write to the Court as soon as they are prepared to be sent to the Court's Mediation Program. The Court notes that the scheduling of a mediation normally takes a few weeks.

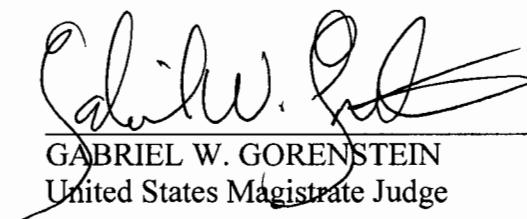
6 All fact discovery (as well as requests for admissions) must be initiated in time to be concluded by the fact discovery deadline.

7. Applications under paragraph 2.A of the Court's Individual Practices must be made promptly after the cause for such a motion arises. In addition, absent extraordinary circumstances no such application will be considered if made later than 30 days prior to the close of discovery (either fact or expert in accordance with the nature of the application.) Untimely applications will be denied.

8. Any application for an extension of the time limitations with respect to any deadlines in this matter must be made as soon as the cause for the extension becomes known to the party making the application and must be made in accordance with ¶ 1.E of the Court's Individual Practices. The application must state the position of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. "Good cause" as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.

SO ORDERED.

Dated: December 19, 2019
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge